

111TH CONGRESS  
1ST SESSION

# S. 817

To establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. FEINSTEIN, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Pacific Salmon Stronghold Conservation Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.
- Sec. 4. Salmon Stronghold Partnership.
- Sec. 5. Information and assessment.

Sec. 6. Salmon stronghold watershed grants and technical assistance program.  
 Sec. 7. Interagency cooperation.  
 Sec. 8. International cooperation.  
 Sec. 9. Acquisition and transfer of real property interests.  
 Sec. 10. Administrative provisions.  
 Sec. 11. Limitations.  
 Sec. 12. Reports to Congress.  
 Sec. 13. Authorization of appropriations.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-  
 3 ings:

4 (1) Several species of salmon native to the riv-  
 5 ers of the United States are highly migratory, inter-  
 6 acting with salmon originating from Canada, Japan,  
 7 Russia, and South Korea and spending portions of  
 8 their life history outside of the territorial waters of  
 9 the United States. Recognition of the migratory and  
 10 transboundary nature of salmon species has led  
 11 countries of the North Pacific to seek enhanced co-  
 12 ordination and cooperation through multilateral and  
 13 bi-lateral agreements.

14 (2) Salmon are a keystone species, sustaining  
 15 more than 180 other species in freshwater and ma-  
 16 rine ecosystems. They are also an indicator of eco-  
 17 system health and potential impacts of climate  
 18 change.

19 (3) Salmon are a central part of the culture,  
 20 economy, and environment of Western North Amer-  
 21 ica.

1           (4) Economic activities relating to salmon gen-  
2           erate billions of dollars of economic activity and pro-  
3           vide thousands of jobs.

4           (5) During the anticipated rapid environmental  
5           change during the period beginning on the date of  
6           the enactment of this Act, maintaining key eco-  
7           system processes and functions, population abun-  
8           dance, and genetic integrity will be vital to ensuring  
9           the health of salmon populations.

10          (6) Salmon strongholds provide critical produc-  
11          tion zones for commercial, recreational, and subsist-  
12          ence fisheries.

13          (7) Taking into consideration the frequency  
14          with which fisheries have collapsed during the period  
15          preceding the date of the enactment of this Act,  
16          using scientific research to correctly identify and  
17          conserve core centers of abundance, productivity,  
18          and diversity is vital to sustain salmon populations  
19          and fisheries in the future.

20          (8) Measures being undertaken as of the date  
21          of the enactment of this Act to recover threatened  
22          or endangered salmon stocks, including Federal,  
23          State, and local programs to restore salmon habitat,  
24          are vital. These measures will be complemented and  
25          enhanced by identifying and sustaining core centers

1 of abundance, productivity, and diversity in the  
2 healthiest remaining salmon ecosystems throughout  
3 the range of salmon species.

4 (9) The effects of climate change are affecting  
5 salmon habitat at all life history stages and future  
6 habitat conservation must consider climate change  
7 projections to safeguard natural systems under fu-  
8 ture climate conditions.

9 (10) Greater coordination between public and  
10 private entities can assist salmon strongholds by  
11 marshaling and focusing resources on scientifically  
12 supported, high priority conservation actions.

13 (b) PURPOSES.—The purposes of this Act are—

14 (1) to expand Federal support and resources  
15 for the protection and restoration of the healthiest  
16 remaining salmon strongholds in North America to  
17 sustain core centers of salmon abundance, produc-  
18 tivity, and diversity in order to ensure the long-term  
19 viability of salmon populations—

20 (A) in the States of California, Idaho, Or-  
21 egon, and Washington, by focusing resources on  
22 cooperative, incentive-based efforts to conserve  
23 the roughly 20 percent of salmon habitat that  
24 supports approximately two-thirds of salmon  
25 abundance; and

1 (B) in the State of Alaska, a regional  
2 stronghold that produces more than one-third  
3 of all salmon, by increasing resources available  
4 to public and private organizations working co-  
5 operatively to conserve regional core centers of  
6 salmon abundance and diversity;

7 (2) to maintain and enhance economic benefits  
8 related to fishing or associated with healthy salmon  
9 stronghold habitats, including flood protection,  
10 recreation, water quantity and quality, carbon se-  
11 questration, climate change mitigation and adapta-  
12 tion, and other ecosystem services; and

13 (3) to complement and add to existing Federal,  
14 State, and local salmon recovery efforts by using  
15 sound science to identify and sustain core centers of  
16 salmon abundance, productivity, and diversity in the  
17 healthiest remaining salmon ecosystems throughout  
18 their range.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) ADMINISTRATOR.—The term “Adminis-  
22 trator” means the Assistant Administrator for the  
23 National Marine Fisheries Service of the National  
24 Oceanic and Atmospheric Administration.

1           (2) BOARD.—The term “Board” means the  
2       Salmon Stronghold Partnership Board established  
3       under section 4.

4           (3) CHARTER.—The term “charter” means the  
5       charter of the Board developed under section 4(g).

6           (4) DIRECTOR.—The term “Director” means  
7       the Director of the United States Fish and Wildlife  
8       Service.

9           (5) ECOSYSTEM SERVICES.—The term “eco-  
10      system services” means an ecological benefit gen-  
11      erated from a healthy, functioning ecosystem, includ-  
12      ing clean water, pollutant filtration, regulation of  
13      river flow, prevention of soil erosion, regulation of  
14      climate, and fish production.

15          (6) PROGRAM.—Except as otherwise provided,  
16      the term “program” means the salmon stronghold  
17      watershed grants and technical assistance program  
18      established under section 6(a).

19          (7) SALMON.—The term “salmon” means any  
20      of the wild anadromous *Oncorhynchus* species that  
21      occur in the Western United States, including—

22                (A) chum salmon (*Oncorhynchus keta*);

23                (B)     pink     salmon     (*Oncorhynchus*  
24                gorbuscha);

25                (C) sockeye salmon (*Oncorhynchus nerka*);

1 (D) chinook salmon (Oncorhynchus  
2 tshawytscha);

3 (E) coho salmon (Oncorhynchus kisutch);

4 and

5 (F) steelhead trout (Oncorhynchus  
6 mykiss).

7 (8) SALMON STRONGHOLD.—The term “salmon  
8 stronghold” means all or part of a watershed or that  
9 meets biological criteria for abundance, productivity,  
10 diversity (life history and run timing), habitat qual-  
11 ity, or other biological attributes important to sus-  
12 taining viable populations of salmon throughout  
13 their range, as defined by the Board.

14 (9) SALMON STRONGHOLD PARTNERSHIP.—The  
15 term “Salmon Stronghold Partnership” means the  
16 Salmon Stronghold Partnership established under  
17 section 4(a)(1).

18 (10) SECRETARY.—Except as otherwise pro-  
19 vided, the term “Secretary” means the Secretary of  
20 Commerce.

21 **SEC. 4. SALMON STRONGHOLD PARTNERSHIP.**

22 (a) IN GENERAL.—

23 (1) ESTABLISHMENT.—The Secretary shall es-  
24 tablish a Salmon Stronghold Partnership that is a  
25 cooperative, incentive-based, public-private partner-

1 ship among appropriate Federal, State, tribal, and  
 2 local governments, private landowners, and non-  
 3 governmental organizations working across political  
 4 boundaries, government jurisdictions, and land own-  
 5 erships to identify and conserve salmon strongholds.

6 (2) MEMBERSHIP.—To the extent possible, the  
 7 membership of the Salmon Stronghold Partnership  
 8 shall include each entity described under subsection  
 9 (b).

10 (3) LEADERSHIP.—The Salmon Stronghold  
 11 Partnership shall be managed by a Board estab-  
 12 lished by the Secretary to be known as the Salmon  
 13 Stronghold Partnership Board.

14 (b) SALMON STRONGHOLD PARTNERSHIP BOARD.—

15 (1) IN GENERAL.—The Board shall consist of  
 16 representatives with strong scientific or technical  
 17 credentials and expertise as follows:

18 (A) 1 representative from each of—

19 (i) the National Marine Fisheries  
 20 Service, as appointed by the Administrator;

21 (ii) the United States Fish and Wild-  
 22 life Service, as appointed by the Director;

23 (iii) the Forest Service, as appointed  
 24 by the Chief of the Forest Service;



(iv) the Environmental Protection Agency, as appointed by the Administrator of the Environmental Protection Agency;

(v) the Bonneville Power Administration, as appointed by the Administrator of the Bonneville Power Administration;

(vi) the Bureau of Land Management, as appointed by the Director of the Bureau of Land Management; and

(vii) the Northwest Power and Conservation Council, as appointed by the Northwest Power and Conservation Council.

(B) 1 representative from the natural resources staff of the office of the Governor or of an appropriate natural resource agency of a State, as appointed by the Governor, from each of the States of—

(i) Alaska;

(ii) California;

(iii) Idaho;

(iv) Oregon; and

(v) Washington.

(C) Not less than 3 and not more than 5 representatives from Indian tribes or tribal

1 commissions located within the range of a salm-  
2 on species, as appointed by such Indian tribes  
3 or tribal commissions, in consultation with the  
4 Board.

5 (D) 1 representative from each of 3 non-  
6 governmental organizations with salmon con-  
7 servation and management expertise, as se-  
8 lected by the Board.

9 (E) 1 national or regional representative  
10 from an association of counties, as selected by  
11 the Board.

12 (F) Representatives of other entities with  
13 significant resources regionally dedicated to the  
14 protection of salmon ecosystems that the Board  
15 determines are appropriate, as selected by the  
16 Board.

17 (2) FAILURE TO APPOINT.—If a representative  
18 described in subparagraph (B), (C), (D), (E), or (F)  
19 of paragraph (1) is not appointed to the Board or  
20 otherwise fails to participate in the Board, the  
21 Board shall carry out its functions until such rep-  
22 resentative is appointed or joins in such participa-  
23 tion.

24 (c) MEETINGS.—

1           (1) FREQUENCY.—Not less frequently than 3  
2           times each year, the Board shall meet to provide op-  
3           portunities for input from a broader set of stake-  
4           holders.

5           (2) NOTICE.—Prior to each meeting, the Board  
6           shall give timely notice of the meeting to the public,  
7           the government of each county, and tribal govern-  
8           ment in which a salmon stronghold is identified by  
9           the Board.

10          (d) BOARD CONSULTATION.—The Board shall seek  
11          expertise from fisheries experts from agencies, colleges, or  
12          universities, as appropriate.

13          (e) CHAIRPERSON.—The Board shall nominate and  
14          select a Chairperson from among the members of the  
15          Board.

16          (f) COMMITTEES.—The Board—

17                (1) shall establish a standing science advisory  
18                committee to assist the Board in the development,  
19                collection, evaluation, and peer review of statistical,  
20                biological, economic, social, and other scientific in-  
21                formation; and

22                (2) may establish additional standing or ad hoc  
23                committees as the Board determines are necessary.

24          (g) CHARTER.—The Board shall develop a written  
25          charter that—

1           (1) provides for the members of the Board de-  
2       scribed in subsection (b);

3           (2) may be signed by a broad range of partners,  
4       to reflect a shared understanding of the purposes,  
5       intent, and governance framework of the Salmon  
6       Stronghold Partnership; and

7           (3) includes—

8               (A) the defining criteria for a salmon  
9       stronghold;

10              (B) the process for identifying salmon  
11       strongholds; and

12              (C) the process for reviewing and awarding  
13       grants under the program, including—

14                   (i) the number of years for which such  
15       a grant may be awarded;

16                   (ii) the process for renewing such a  
17       grant;

18                   (iii) the eligibility requirements for  
19       such a grant;

20                   (iv) the reporting requirements for  
21       projects awarded such a grant; and

22                   (v) the criteria for evaluating the suc-  
23       cess of a project carried out with such a  
24       grant.

1 (h) FEDERAL ADVISORY COMMITTEE ACT.—The  
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
3 apply to the Board.

4 **SEC. 5. INFORMATION AND ASSESSMENT.**

5 The Administrator shall carry out specific informa-  
6 tion and assessment functions associated with salmon  
7 strongholds, in coordination with other regional salmon ef-  
8 forts, including—

9 (1) triennial assessment of status and trends in  
10 salmon strongholds;

11 (2) geographic information system and mapping  
12 support to facilitate conservation planning;

13 (3) projections of climate change impacts on all  
14 habitats and life history stages of salmon;

15 (4) development and application of models and  
16 other tools to identify salmon conservation actions  
17 projected to have the greatest positive impacts on  
18 salmon abundance, productivity, or diversity within  
19 salmon strongholds; and

20 (5) measurement of the effectiveness of the  
21 Salmon Stronghold Partnership activities.

22 **SEC. 6. SALMON STRONGHOLD WATERSHED GRANTS AND**  
23 **TECHNICAL ASSISTANCE PROGRAM.**

24 (a) IN GENERAL.—The Administrator, in consulta-  
25 tion with the Director, shall establish a salmon stronghold

1 watershed grants and technical assistance program, as de-  
2 scribed in this section.

3 (b) PURPOSE.—The purpose of the program shall be  
4 to support salmon stronghold protection and restoration  
5 activities, including—

6 (1) to fund the administration of the Salmon  
7 Stronghold Partnership in carrying out the charter;

8 (2) to encourage cooperation among the entities  
9 represented on the Board, local authorities, and pri-  
10 vate entities to establish a network of salmon strong-  
11 holds, and assist locally in specific actions that sup-  
12 port the Salmon Stronghold Partnership;

13 (3) to support entities represented on the  
14 Board—

15 (A) to develop strategies focusing on salm-  
16 on conservation actions projected to have the  
17 greatest positive impacts on abundance, produc-  
18 tivity, or diversity in salmon strongholds; and

19 (B) to provide financial assistance to the  
20 Salmon Stronghold Partnership to increase  
21 local economic opportunities and resources for  
22 actions or practices that provide long-term or  
23 permanent conservation and that maintain key  
24 ecosystem services in salmon strongholds, in-  
25 cluding—

1 (i) payments for ecosystem services;

2 and

3 (ii) demonstration projects designed

4 for specific salmon strongholds;

5 (4) to maintain a forum to share best practices

6 and approaches, employ consistent and comparable

7 metrics, forecast and address climate impacts, and

8 monitor, evaluate, and report regional status and

9 trends of salmon ecosystems in coordination with re-

10 lated regional and State efforts;

11 (5) to carry out activities and existing conserva-

12 tion programs in, and across, salmon strongholds on

13 a regional scale to achieve the goals of the Salmon

14 Stronghold Partnership;

15 (6) to accelerate the implementation of recovery

16 plans in salmon strongholds that have salmon popu-

17 lations listed as threatened or endangered under the

18 Endangered Species Act of 1973 (16 U.S.C. 1531 et

19 seq.);

20 (7) to develop and make information available

21 to the public pertaining to the Salmon Stronghold

22 Partnership; and

23 (8) to conduct education outreach to the public,

24 in coordination with other programs, to encourage

25 increased stewardship of salmon strongholds.

1       (c) SELECTION.—Projects that will be carried out  
 2 with assistance from the program shall be selected and  
 3 administered as follows:

4           (1) SITE-BASED PROJECTS.—A project that will  
 5 be carried out with assistance from the program  
 6 within 1 State shall be selected as follows:

7           (A) STATE SELECTION.—If a State has a  
 8 competitive grant process relating to salmon  
 9 conservation in effect as of the date of enact-  
 10 ment of this Act and has a proven record of im-  
 11 plementing an efficient, cost-effective, and com-  
 12 petitive grant program for salmon conservation  
 13 or has a viable plan to provide accountability  
 14 under the program—

15           (i) the National Fish and Wildlife  
 16 Foundation, in consultation with the  
 17 Board, shall provide program funds to the  
 18 State; and

19           (ii) the State shall select and admin-  
 20 ister projects to be carried out in such  
 21 State, in accordance with subsection (d).

22           (B) NATIONAL FISH AND WILDLIFE FOUN-  
 23 DATION SELECTION.—If a State does not meet  
 24 the criteria described in subparagraph (A)—



1 (i) the Administrator, in consultation  
 2 with the Director, shall provide funds to  
 3 the National Fish and Wildlife Founda-  
 4 tion; and

5 (ii) the National Fish and Wildlife  
 6 Foundation, in consultation with the  
 7 Board, shall select and administer projects  
 8 to be carried out in such State, in accord-  
 9 ance with subsection (d).

10 (2) MULTISITE AND PROGRAMMATIC INITIA-  
 11 TIVES.—For a project that will be carried out with  
 12 assistance from the program in more than 1 State  
 13 or that is a programmatic initiative that affect more  
 14 than 1 State—

15 (A) the Administrator, in consultation with  
 16 the Director, shall provide funds to the Na-  
 17 tional Fish and Wildlife Foundation; and

18 (B) the National Fish and Wildlife Foun-  
 19 dation, in consultation with the Board, shall se-  
 20 lect and administer such projects to be carried  
 21 out, in accordance with subsection (d).

22 (d) CRITERIA FOR APPROVAL.—

23 (1) CRITERIA DEVELOPED BY THE BOARD.—

24 (A) REQUIREMENT TO DEVELOP.—The  
 25 Board shall develop and provide criteria for the

1 prioritization of projects funded under the pro-  
2 gram in a manner that enables projects to be  
3 individually ranked in sequential order by the  
4 magnitude of the project's positive impacts on  
5 salmon abundance, productivity, or diversity.

6 (B) SPECIFIC REQUIREMENTS.—The cri-  
7 teria required by subparagraph (A) shall re-  
8 quire that a project that receives assistance  
9 under the program—

10 (i) contributes to the conservation of  
11 salmon;

12 (ii) meets the criteria for eligibility es-  
13 tablished in the charter;

14 (iii)(I) addresses a factor limiting or  
15 threatening to limit abundance, produc-  
16 tivity, diversity, habitat quality, or other  
17 biological attributes important to sus-  
18 taining viable salmon populations within a  
19 salmon stronghold; or

20 (II) is a programmatic action that  
21 supports the Salmon Stronghold Partner-  
22 ship;

23 (iv) addresses limiting factors to  
24 healthy ecosystem processes or sustainable  
25 fisheries management;

- 1 (v) has the potential for conservation  
 2 benefits and broadly applicable results; and  
 3 (vi) meets the requirements for—  
 4 (I) cost sharing described in sub-  
 5 section (e); and  
 6 (II) the limitation on administra-  
 7 tive expenses described in subsection  
 8 (f).

9 (C) SCHEDULE FOR DEVELOPMENT.—The  
 10 Board shall—

- 11 (i) develop and provide the criteria re-  
 12 quired by subparagraph (A) prior to the  
 13 initial solicitation of projects under the  
 14 program; and  
 15 (ii) revise such criteria not less often  
 16 than once each year.

17 (e) COST SHARING.—

18 (1) FEDERAL SHARE.—

19 (A) NON-FEDERAL LAND.—For any fiscal  
 20 year, the Federal share of the cost of a project  
 21 that receives assistance under the program and  
 22 that is carried out on land that is not owned by  
 23 the United States shall not exceed 50 percent  
 24 of the total cost of the project.

1 (B) FEDERAL LAND.—For any fiscal year,  
 2 the Federal share of the cost of a project that  
 3 receives assistance under the program and that  
 4 is carried out on land that is owned by the  
 5 United States, including the acquisition of  
 6 inholdings, may be up to 100 percent of the  
 7 total cost of the project.

8 (2) NON-FEDERAL SHARE.—

9 (A) IN GENERAL.—Subject to subpara-  
 10 graph (B), the non-Federal share of the cost of  
 11 a project that receives assistance under the pro-  
 12 gram may not be derived from Federal grant  
 13 programs, but may include in-kind contribu-  
 14 tions.

15 (B) BONNEVILLE POWER ADMINISTRA-  
 16 TION.—Any amounts provided by the Bonneville  
 17 Power Administration directly or through a  
 18 grant to another entity used to carry out a  
 19 project that receives assistance under the pro-  
 20 gram shall be credited toward the non-Federal  
 21 share of the cost of the project.

22 (f) ADMINISTRATIVE EXPENSES.—Of the amount  
 23 available to a State or the National Fish and Wildlife  
 24 Foundation under the program for each fiscal year, such  
 25 State and the National Fish and Wildlife Foundation shall

1 not expend more than 5 percent of such amount for ad-  
2 ministrative and reporting expenses necessary to carry out  
3 this section.

4 (g) REPORTS.—

5 (1) REPORTS TO STATES OR NFWF.—Each per-  
6 son who receives assistance through a State or the  
7 National Fish and Wildlife Foundation under the  
8 program for a project shall provide periodic reports  
9 to the State or the National Fish and Wildlife Foun-  
10 dation, as appropriate, that includes the information  
11 required by the State or the National Fish and  
12 Wildlife Foundation to evaluate the progress and  
13 success of the project.

14 (2) REPORTS TO THE ADMINISTRATION.—Not  
15 less frequently than once every 3 years, each State  
16 that is provided program funds under subsection  
17 (c)(1)(A) and the National Fish and Wildlife Foun-  
18 dation shall provide reports to the Administrator  
19 that include the information required by the Admin-  
20 istrator to evaluate the implementation of the pro-  
21 gram.

22 **SEC. 7. INTERAGENCY COOPERATION.**

23 The head of each Federal agency or department re-  
24 sponsible for acquiring, managing, or disposing of Federal  
25 land that is within a salmon stronghold shall, to the extent

1 consistent with the mission of the agency or department  
 2 and existing law, cooperate with the Administrator and the  
 3 Director—

4           (1) to conserve the salmon strongholds; and  
 5           (2) to effectively coordinate and streamline  
 6 Salmon Stronghold Partnership activities and deliv-  
 7 ery of overlapping, incentive-based programs that af-  
 8 fect the salmon stronghold.

9 **SEC. 8. INTERNATIONAL COOPERATION.**

10       (a) **AUTHORITY TO COOPERATE.**—The Adminis-  
 11 trator and the Board may share status and trends data,  
 12 innovative conservation strategies, conservation planning  
 13 methodologies, and other information with North Pacific  
 14 countries, including Canada, Japan, Russia, and South  
 15 Korea, and appropriate international entities to promote  
 16 conservation of salmon and salmon habitat.

17       (b) **SENSE OF CONGRESS.**—It is the sense of Con-  
 18 gress that the Administrator and the Board, or entities  
 19 that are members of the Board, should and are encour-  
 20 aged to provide information to North Pacific countries, in-  
 21 cluding Canada, Japan, Russia, and South Korea, and ap-  
 22 propriate international entities to support the development  
 23 of a network of salmon strongholds across the nations of  
 24 the North Pacific.

1 **SEC. 9. ACQUISITION AND TRANSFER OF REAL PROPERTY**  
2 **INTERESTS.**

3 (a) USE OF REAL PROPERTY.—No project that will  
4 result in the acquisition by the Secretary or the Secretary  
5 of the Interior of any land or interest in land, in whole  
6 or in part, may receive funds under this Act unless the  
7 project is consistent with the purposes of this Act.

8 (b) PRIVATE PROPERTY PROTECTION.—No Federal  
9 funds made available to carry out this Act may be used  
10 to acquire any real property or any interest in any real  
11 property without the written consent of the 1 or more own-  
12 ers of the property or interest in property.

13 (c) TRANSFER OF REAL PROPERTY.—No land or in-  
14 terest in land, acquired in whole or in part by the Sec-  
15 retary of the Interior with Federal funds made available  
16 under this Act to carry out a salmon stronghold conserva-  
17 tion project may be transferred to a State, other public  
18 agency, or other entity unless—

19 (1) the Secretary of the Interior determines  
20 that the State, agency, or entity is committed to  
21 manage, in accordance with this Act and the pur-  
22 poses of this Act, the property being transferred;  
23 and

24 (2) the deed or other instrument of transfer  
25 contains provisions for the reversion of the title to  
26 the property to the United States if the State, agen-

1       cy, or entity fails to manage the property in accord-  
 2       ance with this Act and the purposes of this Act.

3       (d) REQUIREMENT.—Any real property interest con-  
 4       veyed under subsection (c) shall be subject to such terms  
 5       and conditions as will ensure, to the maximum extent  
 6       practicable, that the interest will be administered in ac-  
 7       cordance with this Act and the purposes of this Act.

8       **SEC. 10. ADMINISTRATIVE PROVISIONS.**

9       (a) CONTRACTS, GRANTS, AND TRANSFERS OF  
 10       FUNDS.—In carrying out this Act, the Secretary may—

11               (1) consistent with a recommendation of the  
 12       Board and notwithstanding sections 6304 and 6305  
 13       of title 31, United States Code, and the Federal Fi-  
 14       nancial Assistance Management Improvement Act of  
 15       1999 (31 U.S.C. 6101 note; Public Law 106–107),  
 16       enter into cooperative agreements, contracts, and  
 17       grants;

18               (2) notwithstanding any other provision of law,  
 19       apply for, accept, and use grants from any person to  
 20       carry out the purposes of this Act; and

21               (3) make funds available to any Federal agency  
 22       or department to be used by the agency or depart-  
 23       ment to award financial assistance for any salmon  
 24       stronghold protection, restoration, or enhancement



1 project that the Secretary determines to be con-  
2 sistent with this Act.

3 (b) DONATIONS.—

4 (1) IN GENERAL.—The Secretary may—

5 (A) enter into an agreement with any orga-  
6 nization described in section 501(c)(3) of the  
7 Internal Revenue Code of 1986 to authorize the  
8 organization to carry out activities under this  
9 Act; and

10 (B) accept donations of funds or services  
11 for use in carrying out this Act.

12 (2) PROPERTY.—The Secretary of the Interior  
13 may accept donations of property for use in carrying  
14 out this Act.

15 (3) USE OF DONATIONS.—Donations accepted  
16 under this section—

17 (A) shall be considered to be gifts or be-  
18 quests to, or for the use of, the United States;  
19 and

20 (B) may be used directly by the Secretary  
21 (or, in the case of donated property under para-  
22 graph (2), the Secretary of the Interior) or pro-  
23 vided to other Federal agencies or departments  
24 through interagency agreements.

1       (c) INTERAGENCY FINANCING.—The Secretary may  
2 participate in interagency financing, including receiving  
3 appropriated funds from other agencies or departments to  
4 carry out this Act.

5       (d) STAFF.—Subject to the availability of appropria-  
6 tions, the Administrator may hire such additional full-time  
7 employees as are necessary to carry out this Act.

8 **SEC. 11. LIMITATIONS.**

9       Nothing in this Act may be construed—

10           (1) to create a reserved water right, express or  
11 implied, in the United States for any purpose, or af-  
12 fect the management or priority of water rights  
13 under State law;

14           (2) to affect existing water rights under Federal  
15 or State law;

16           (3) to affect any Federal or State law in exist-  
17 ence on the date of enactment of this Act regarding  
18 water quality or water quantity;

19           (4) to affect the authority, jurisdiction, or re-  
20 sponsibility of any agency or department of the  
21 United States or of a State to manage, control, or  
22 regulate fish and resident wildlife under a Federal or  
23 State law or regulation;

1           (5) to authorize the Secretary or the Secretary  
2           of the Interior to control or regulate hunting or fish-  
3           ing under State law;

4           (6) to abrogate, abridge, affect, modify, super-  
5           sede, or otherwise alter any right of a federally rec-  
6           ognized Indian tribe under any applicable Federal or  
7           tribal law or regulation; or

8           (7) to diminish or affect the ability of the Sec-  
9           retary or the Secretary of the Interior to join the ad-  
10          judication of rights to the use of water pursuant to  
11          subsections (a), (b), or (c) of section 208 of the De-  
12          partment of Justice Appropriation Act, 1953 (43  
13          U.S.C. 666).

14   **SEC. 12. REPORTS TO CONGRESS.**

15          Not less frequently than once every 3 years, the Ad-  
16          ministrator, in consultation with the Director, shall submit  
17          to Congress a report describing the activities carried out  
18          under this Act, including the recommendations of the Ad-  
19          ministrator, if any, for legislation relating to the Salmon  
20          Stronghold Partnership.

21   **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

22          (a) GRANTS.—

23                (1) IN GENERAL.—There is authorized to be  
24          appropriated to the Administrator, to be distributed  
25          by the National Fish and Wildlife Foundation as a

1       fiscal agent, to provide grants under the program,  
2       \$30,000,000 for each of fiscal years 2009 through  
3       2013.

4           (2) BOARD.—The National Fish and Wildlife  
5       Foundation shall, from the amount appropriated  
6       pursuant to the authorization of appropriations in  
7       paragraph (1), make available sufficient funds to the  
8       Board to carry out its duties under this Act.

9       (b) TECHNICAL ASSISTANCE.—For each of fiscal  
10      years 2009 through 2013, there is authorized to be appro-  
11      priated to the Administrator \$300,000 to provide technical  
12      assistance under the program and to carry out section 5.

13      (c) AVAILABILITY OF FUNDS.—Amounts appro-  
14      priated pursuant to an authorization of appropriations in  
15      this section are authorized to remain available until ex-  
16      pended.

○